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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 BENJAMIN MAYFIELD,

11 CASE NO. C19-0930JLR-BAT

12 Plaintiff,

13 ORDER REGARDING THE
14 PARTIES' STIPULATED
15 MOTION TO EXTEND THE
16 TRIAL DATE AND OTHER
17 CASE SCHEDULE DEADLINES

v.

18 KING COUNTY, et al.,

19 Defendants.

20 Before the court is the parties' stipulated motion to extend the trial date from
21 December 7, 2020, "to a date on the [c]ourt's calendar on or after April 1, 2021." (Stip.
22 (Dkt. # 12) at 1.) In addition, the parties stipulate to "a reciprocal extension of case
schedule deadlines to allow for discovery to be completed." (*Id.*) The parties' only
justification for their request is their inability to complete discovery in a timely manner.
(*See id.* at 2.)

Pursuant to Federal Rule of Civil Procedure 16(b)(4), "[a] schedule may only be
modified for good cause and with the judge's consent." Fed. R. Civ. P. 16(b)(4). "Good

1 “cause” for purposes of Rule 16 focuses on the diligence of the party seeking to modify
 2 the pretrial scheduling order. *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604,
 3 607-08 (9th Cir. 1992). Parties must “diligently attempt to adhere to that schedule
 4 throughout the subsequent course of the litigation.” *Jackson v. Laureate, Inc.*, 186
 5 F.R.D. 605, 607 (E.D. Cal. 1999); *see Marcum v. Zimmer*, 163 F.R.D. 250, 254 (S.D. W.
 6 Va. 1995). In part, the “good cause” standard requires the parties to demonstrate that
 7 “noncompliance with a Rule 16 deadline occurred or will occur, notwithstanding [the
 8 parties’] diligent efforts to comply, because of the development of matters which could
 9 not have been reasonably foreseen or anticipated at the time of the Rule 16 scheduling
 10 conference” *Jackson*, 186 F.R.D. at 608. The court’s scheduling order specifically
 11 states that the “[f]ailure to complete discovery within the time allowed is not recognized
 12 as good cause.” (Sched. Ord. (Dkt. # 7) at 2.)

13 Because the court does not recognize a failure to timely complete discovery as
 14 good cause for altering the case schedule, the court DENIES the parties’ stipulated
 15 motion (Dkt. # 12). Indeed, the court will not permit the parties here to take priority over
 16 other parties who are timely preparing for their April 2021 trial dates. Nevertheless, if
 17 the parties would like to move their trial date to the end of the court’s trial calendar, they
 18 may so stipulate and notify the court. If the parties so agree, the court will issue a new
 19 case schedule for all remaining, unexpired pretrial deadlines based on a new trial date set
 20 at the end of the court’s trial calendar. This will allow the parties more time to prepare
 21 without adversely impacting the court’s schedule. The parties should be aware that the
 22 court is presently setting trials in approximately late summer or early fall of 2021. If the

1 parties wish to stipulate to move their trial date to the end of the court's trial calendar,
2 they must file their stipulation within seven (7) days of the filing date of this order.

3 Dated this 1st day of June, 2020.

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JAMES L. ROBART
United States District Judge

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